

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kimberly Eldridge	Team: Team # 6	CCRB Case #: 200707205	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 05/22/2007 1:15 PM	Location of Incident: West 112th Street and St. Nicholas Avenue	Precinct: 28	18 Mo. SOL 11/22/2008	EO SOL 11/22/2008	
Date/Time CV Reported Tue, 05/22/2007 3:42 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 05/22/2007 3:42 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Gabriela Pardo	05524	931502	028 PCT
2. POF Robin Armond	07243	905713	028 PCT
3. SGT Flavio Rodriguez	00806	924407	028 PCT
4. POM Billy Valerio	02511	932054	028 PCT
5. Officers			028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Carrasco	20350	938171	028 PCT
2. POM Leander Feaggins	17839	937868	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Flavio Rodriguez	Abuse: Sergeant Flavio Rodriguez authorized the stop of the car in which § 87(2)(b) was an occupant.	
B. Officers	Abuse: Officers frisked § 87(2)(b) and an individual.	
C.POF Robin Armond	Abuse: Officer Robin Armond searched § 87(2)(b)	
D.POM Billy Valerio	Abuse: Officer Billy Valerio searched § 87(2)(b)	
E.POF Gabriela Pardo	Abuse: Officer Gabriela Pardo searched § 87(2)(b)	
F. Officers	Abuse: Officers searched an individual.	
G.POF Robin Armond	Abuse: Officer Robin Armond searched the car in which § 87(2)(b) was an occupant.	
H.POF Gabriela Pardo	Abuse: Officer Gabriela Pardo searched the car in which § 87(2)(b) was an occupant.	
I.SGT Flavio Rodriguez	Abuse: Sergeant Flavio Rodriguez authorized the search of § 87(2)(b)	

Synopsis

On May 22, 2007, § 87(2)(b) filed this complaint at the CCRB via phone. § 87(2)(b) alleged that at approximately 1:15PM on May 22, 2007, she was in her vehicle with her husband, § 87(2)(b) her § 87(2)(b) daughter, § 87(2)(b) her cousin, § 87(2)(b) and § 87(2)(b)'s boyfriend, § 87(2)(b) whose last name remains unknown. When they reached the intersection of West 112th Street and Saint Nicholas Avenue in Manhattan, members of the 28th Precinct's SNEU team, including Officer Gabriella Pardo, Officer Robin Armond, Officer Billy Valerio, Officer Joseph Carrasco, and Officer Leander Feaggins, stopped her vehicle, allegedly under the authorization of Sergeant Flavio Rodriguez, also of the 28th Precinct (Allegation A). The officers ordered every one out of the vehicle. Officer Armond frisked § 87(2)(b) Officer Valerio frisked § 87(2)(b) Officer Pardo frisked § 87(2)(b) and Officer Carrasco frisked § 87(2)(b) (Allegation B). Officer Armond allegedly searched § 87(2)(b) Officer Valerio allegedly searched § 87(2)(b) Officer Pardo allegedly searched § 87(2)(b) and § 87(2)(b) was searched by an unknown officer(s) (Allegations C, D, E, and F). Officer Armond and Officer Pardo then allegedly searched § 87(2)(b) vehicle (Allegations G and H). After the vehicle search, the officers allegedly told § 87(2)(b) that she and her passengers were free to leave. At this time, § 87(2)(b) who remained inside of the vehicle for the duration of the incident, stated that she had to use the restroom. § 87(2)(b) helped § 87(2)(b) out of the vehicle and led her towards a beauty parlor that had a bathroom. At that time, Officer Pardo approached § 87(2)(b) and searched her, allegedly under the authorization of Sergeant Rodriguez (Allegation I). The officers then left the scene without issuing any summonses or making any arrests.

§ 87(2)(g)

Summary of Complaint

On June 6, 2007, § 87(2)(b) provided a phone statement and on June 18, 2007, § 87(2)(b) appeared at the CCRB for an interview (enc. 11A-B and 12A-F). When § 87(2)(b) appeared for her interview, she provided a written statement that she prepared prior to the interview as well as a complaint form that she completed after receiving it at the 28th Precinct (enc. 9A-B and 10A-B). § 87(2)(b) is a § 87(2)(b) Black female who is 5'0" tall and weighs 155 pounds. § 87(2)(g)

On May 22, 2007, at approximately 1:15PM, § 87(2)(b) her husband, § 87(2)(b) and her daughter, § 87(2)(b) were in front of West 112th Street and Lenox Avenue in Manhattan, at which point she saw her cousin, § 87(2)(b). § 87(2)(b) stated that she was waiting for her boyfriend § 87(2)(b) and asked § 87(2)(b) to drive her and § 87(2)(b) home. § 87(2)(b) did not know § 87(2)(b) last name, and did not have any contact information for § 87(2)(b) or § 87(2)(b). § 87(2)(b) agreed to drive § 87(2)(b) and § 87(2)(b) and stated that she would have to purchase more gas along the way. § 87(2)(b) gave § 87(2)(b) a ten dollar bill so that § 87(2)(b) could purchase gas. When § 87(2)(b) arrived, they entered § 87(2)(b) Ford Escort station wagon. § 87(2)(b) was driving, § 87(2)(b) was in the front passenger seat, and § 87(2)(b), § 87(2)(b) and § 87(2)(b) were in the back seat.

Shortly after entering the vehicle, § 87(2)(b) stopped at a store that was on West 110th Street and Lenox Avenue to buy a drink for § 87(2)(b). When § 87(2)(b) exited the vehicle and entered the store, § 87(2)(b) exited the vehicle and walked down Lenox Avenue in search of food. No one else exited the vehicle at this time. While in the store, § 87(2)(b) spent one dollar and received nine dollars in singles as her change. When § 87(2)(b) exited the store, she noticed that her friend, § 87(2)(b), was using a pay phone at the corner. § 87(2)(b) approached § 87(2)(b) and briefly spoke with her. They did not, however, exchange any items or make any physical contact. After speaking with § 87(2)(b), § 87(2)(b) returned to her vehicle. § 87(2)(b) had returned to the vehicle with a box of fried chicken. § 87(2)(b) pulled

away from the curb and as she did so, she noticed that a yellow cab with two police officers in it had begun to follow her.

When § 87(2)(b) reached West 113th Street and Lenox Avenue, an officer used a public address system to order § 87(2)(b) to stop and pull over. The officers did not utilize their lights and/or sirens. When § 87(2)(b) did not immediately pull over, the officer again used the public address system to order § 87(2)(b) to stop and pull over. § 87(2)(b) pulled over alongside of an empty parking space, which she alleged to be at the intersection of West 112th Street and Lenox Avenue. The investigation determined, however, that the incident occurred at West 112th Street and St. Nicholas Avenue.

At that time an officer, whom § 87(2)(b) identified by name and shield number as Officer Robin Armond, approached the driver's side of § 87(2)(b) vehicle and ordered everyone to exit the vehicle. § 87(2)(b) turned her car off and exited the vehicle. § 87(2)(b) and § 87(2)(b) also exited the vehicle. Officer Armond told § 87(2)(b) that § 87(2)(b) could remain in the vehicle. Officer Armond told § 87(2)(b) to put her hands on top of her vehicle and § 87(2)(b) complied. § 87(2)(b) asked Officer Armond for her name and shield number, which Officer Armond readily provided. Officer Armond put gloves on and frisked § 87(2)(b) legs, arms, and torso. § 87(2)(b) was wearing a white t-shirt and a pair of red sweatpants. Officer Armond then searched the pockets of § 87(2)(b) sweatpants and found nine dollars in singles. When Officer Armond asked what the nine dollars was for, § 87(2)(b) explained that she had ten dollars but had just purchased a beverage for one dollar. § 87(2)(b) then grabbed her sweatpants and underwear at the waist, pulled them away from her body, and told Officer Armond that she did not have anything to hide. § 87(2)(b) also lifted up her t-shirt and offered to lift her brassiere. Officer Armond told § 87(2)(b) to take her sneakers off, and § 87(2)(b) complied. Officer Armond put the money back into § 87(2)(b) pocket.

By this time, the other officers had begun to frisk and search the other occupants of § 87(2)(b) vehicle. Officer Gabriella Pardo, whom § 87(2)(b) identified by name and shield number, frisked and searched § 87(2)(b) near the back driver's side door of § 87(2)(b) vehicle. PO1, who was identified by the CCRB as Officer Billy Valerio, frisked and searched § 87(2)(b) as he leaned against the back of a parked van. PO2 and PO3, identified by the CCRB as Officer Joseph Carrasco and Officer Leander Feaggins, searched § 87(2)(b) as he leaned against the rear passenger door of § 87(2)(b) car. § 87(2)(b) did not know the details of these interactions, however, because they did not occur within her range of vision and she was paying more attention to what was occurring between herself and Officer Armond.

When § 87(2)(b) noted that her pocketbook was in her vehicle, Officer Armond reached into the vehicle and removed it from the back seat. Officer Armond looked through § 87(2)(b) pocketbook, removed § 87(2)(b) wallet, copied down § 87(2)(b) name from her license, and went to a waiting police van to run § 87(2)(b) name for warrants. When Officer Armond returned, she told § 87(2)(b) that the officers stopped her and her family because they were in a drug infested area.

As § 87(2)(b) began to put her belongings back into her wallet and pocketbook, Officer Armond searched the front of § 87(2)(b) car by opening the glove compartment and looking underneath the seats. Officer Armond then searched the back of § 87(2)(b) vehicle by looking underneath the seats and into the pouches on the backs of both the front driver and passenger seats. § 87(2)(b) remained in the vehicle at this time. Officer Armond also searched the trunk of § 87(2)(b) vehicle. Nothing was recovered in the search of the vehicle.

At that time, § 87(2)(b) and her passengers were allowed to leave, but § 87(2)(b) had to go to the bathroom. § 87(2)(b) helped § 87(2)(b) out of the car and led her towards a beauty parlor that had a bathroom. § 87(2)(b) continued to put her pocketbook in order when she heard § 87(2)(b) yell, "You can't do that! That's a child. Her mother's right there. You can't search a child." § 87(2)(b) then turned around and saw Officer Pardo searching § 87(2)(b). Officer Pardo looked underneath § 87(2)(b) shirt, felt around her waistband, and told her to take off her shoes. § 87(2)(b) walked over to where Officer Pardo and § 87(2)(b) were standing and yelled, "If you don't get your fucking rookie ass hands off my baby then you will have a reason to arrest me because I will lay your rookie ass down." When one of the officers told § 87(2)(b) to calm down, § 87(2)(b) replied, "Mind your fucking business." § 87(2)(b) was screaming and crying. After the incident, § 87(2)(b) told § 87(2)(b) that a sergeant or captain told Officer Pardo to search § 87(2)(b) and that he overheard one of the officers speaking with another officer via radio.

After Officer Pardo searched § 87(2)(b) § 87(2)(b) took § 87(2)(b) to the bathroom. When § 87(2)(b) and § 87(2)(b) came out of the beauty parlor, every one got back into § 87(2)(b) vehicle and they all left the scene.

There were at least twenty-five individuals who were watching the incident from the sidewalk. § 87(2)(b) provided a copy of a written statement that she wrote and asked people from the neighborhood who allegedly witnessed the incident to sign on her behalf. § 87(2)(b) however, did not have any contact information for the individuals who allegedly signed her written statement.

Results of Investigation

Victim Statement: § 87(2)(b)

On June 18, 2007, § 87(2)(b) was interviewed at the CCRB (enc. 13A-E). § 87(2)(b) is a § 87(2)(b) year-old Black male, who is 5'9" tall and weighs 192 pounds. During the incident, § 87(2)(b) was wearing a white t-shirt, black cargo pants, and a pair of sneakers. § 87(2)(b) statement is summarized below.

§ 87(2)(g)

After purchasing a drink for § 87(2)(b) got back into the vehicle and began to drive away. § 87(2)(b) stated to § 87(2)(b) that a yellow cab commonly used by police was following them. § 87(2)(b) turned onto 111th Street and the police vehicle put on its sirens. § 87(2)(b) stopped her vehicle at the intersection of 112th Street and St. Nicholas Avenue.

PO1, who was identified by the CCRB as Officer Robin Armond, approached the driver's side of the vehicle while PO2 and PO3, identified by the CCRB as Officer Billy Valerio and Officer Leander Feaggins approached the passenger's side. Officer Armond told § 87(2)(b) and § 87(2)(b) to exit the vehicle while Officer Valerio, told § 87(2)(b) to exit the vehicle and Officer Feaggins told § 87(2)(b) to exit the vehicle. § 87(2)(b) and § 87(2)(b) exited the vehicle via the passenger side while § 87(2)(b) and § 87(2)(b) exited the vehicle via the driver's side. § 87(2)(b) remained inside of the vehicle. When § 87(2)(b) asked Officer Valerio why they were stopped, Officer Valerio told him not to worry and he would tell him later. Officer Valerio asked § 87(2)(b) to provide identification so § 87(2)(b) reached into his right pants pocket, pulled out his wallet, removed his identification and gave it to him. Officer Valerio took the wallet, looked through it, and removed all of § 87(2)(b) cards. At this time, Officer Valerio told § 87(2)(b) that they were stopped because they were in a drug infested area and that by being in that area they were endangering the welfare of § 87(2)(b) who is a child. Officer Valerio then frisked § 87(2)(b). Officer Valerio asked § 87(2)(b) if he had any pointy objects in his pockets, and § 87(2)(b) stated that he did not. Officer Valerio then searched all of § 87(2)(b) pants pockets. § 87(2)(b) also stated that § 87(2)(b) and § 87(2)(b) were also frisked and searched at this time. § 87(2)(b) did not see which officer(s) frisked and searched § 87(2)(b) or § 87(2)(b). § 87(2)(b) believed, however, that PO4, identified by the CCRB as Officer Joseph Carrasco, frisked and searched § 87(2)(b). From where § 87(2)(b) was located, however, he could not attest to the nature of the frisks and searches of the additional occupants of the vehicle.

After the passengers were searched, Officer Armond and PO5, identified by the CCRB as Officer Gabriella Pardo searched the vehicle. Officer Armond opened and searched the glove compartment and felt around the middle console and under the seats. Officer Pardo went to the back of the vehicle and searched the attached compartment that held the spare tire. § 87(2)(b) was still inside of the vehicle when the officers searched it.

At that time, § 87(2)(b) stated that she had to use the bathroom, so § 87(2)(b) told § 87(2)(b) to take her to the bathroom. § 87(2)(b) led § 87(2)(b) towards a beauty parlor so that § 87(2)(b) could use the bathroom. Officer Armond told Officer Pardo to search § 87(2)(b) because she might have "it" on her. § 87(2)(b) did not know what Officer Armond was referring to when she said, "it." Officer Pardo then searched § 87(2)(b). The manner in which § 87(2)(b) alleged § 87(2)(b) was searched was similar to that reported by § 87(2)(b).

After Officer Pardo searched § 87(2)(b) the officers gave § 87(2)(b) and the other passengers permission to leave the scene. They re-entered the vehicle and left the scene. They were not issued summonses or placed under arrest.

Victim Statement: § 87(2)(b)

On June 18, 2007, § 87(2)(b) was interviewed in-person at the CCRB (enc. 14A-D). § 87(2)(b) is an § 87(2)(b) Black female. § 87(2)(b)'s mother, § 87(2)(b) was also present for the interview.

§ 87(2)(g)

PO1, identified by the CCRB as Officer Robin Armond, approached § 87(2)(b) vehicle and told her to step outside. § 87(2)(b) and § 87(2)(b) all exited the vehicle and stood outside. § 87(2)(b) remained inside of the vehicle because Officer Armond told § 87(2)(b) that § 87(2)(b) did not have to exit the vehicle. From her position inside of the vehicle, § 87(2)(b) observed Officer Armond as she reached her hands into § 87(2)(b) pockets. Similarly, § 87(2)(b) observed PO2, identified by the CCRB as Officer Billy Valerio, as he searched § 87(2)(b) pockets. § 87(2)(b) and her friend were also searched, but § 87(2)(b) did not know which officer(s) conducted those searches.

After the officers searched the cars' occupants, they searched § 87(2)(b) vehicle. § 87(2)(b) could not say which officers searched the vehicle, but noted that they opened the glove compartment, reached under the seats, reached inside of the pouches on the backs of the front seat, and looked inside of the trunk.

After the officers searched the car, § 87(2)(b) told § 87(2)(b) that she had to use the bathroom. § 87(2)(b) told § 87(2)(b) to take § 87(2)(b) to the bathroom. While they were en route to the bathroom, PO3, identified through the investigation as Officer Gabriella Pardo, approached § 87(2)(b) and began to search her by looking down her shirt, feeling around her waistband, reaching inside of her pants pockets, and making her remove her shoes. After Officer Pardo searched § 87(2)(b) the officers allowed § 87(2)(b) and her family to leave the scene.

Witness Statement: § 87(2)(b)

On July 27, 2007, § 87(2)(b) was interviewed at the intersection of West 112th Street and Lenox Avenue in Manhattan (enc. 15A-C). § 87(2)(b) is a § 87(2)(b) Black male who is 6'1" tall and weighs 168 pounds. § 87(2)(b) has black hair and brown eyes. § 87(2)(b) was identified as a witness during a canvass of the incident location.

On May 22, 2007, shortly after 1:00PM, § 87(2)(b) exited the bodega at the intersection of West 112th Street and St. Nicholas Avenue in Manhattan. At that time, § 87(2)(b) observed § 87(2)(b) and § 87(2)(b) with their hands on top of § 87(2)(b) vehicle. There were several police officers present, but § 87(2)(b) did not pay attention to the number of officers. § 87(2)(b) believed, however, that all of the officers were male. § 87(2)(b) was standing on the driver's side of the vehicle and § 87(2)(b) was on the passenger's side. § 87(2)(b) did not observe any interactions between § 87(2)(b) and any police officers. § 87(2)(b) did observe one of the officers, identified by the CCRB as Officer Billy Valerio, frisking § 87(2)(b). § 87(2)(b) could not say which parts of § 87(2)(b) person Officer Valerio frisked. § 87(2)(b) did not observe Officer Valerio search § 87(2)(b) and did not know if Officer Valerio did so at anytime during the incident. § 87(2)(b) did not know if there were more people who were involved in the incident and did not witness the officers frisking or searching any other person. § 87(2)(b) did not observe § 87(2)(b) at any point during the incident and did not know if she was present at the time. § 87(2)(b) did not know what if anything occurred in relation to the vehicle and did not know if the officers searched the vehicle. § 87(2)(b) could not estimate the amount of time he observed the incident, and noted that he saw what he saw in passing as he did not stay to observe the rest of the incident. § 87(2)(b) noted that he, § 87(2)(b) and § 87(2)(b) have been friends since they were children and that he spoke with § 87(2)(b) after the incident, at which time she explained the rest of the incident to him.

Attempts to Locate and Contact Additional Victims/Witnesses

§ 87(2)(b) and § 87(2)(b) **Unknown**

§ 87(2)(b) made allegations on behalf of § 87(2)(b) and while noting that she did not have a phone number for § 87(2)(b) provided a possible address at which § 87(2)(b) could receive mail. Searches of whitepages.com, the COLES directory, and LexisNexis were negative for § 87(2)(b) at this address. Officer Pardo completed a stop and frisk report and on that report was another possible address for § 87(2)(b). Searches of whitepages.com, the COLES directory, and LexisNexis showed that while there were individuals with the last name listed as living in that apartment, § 87(2)(b) was not one of them. Moreover, there were no phone numbers linked to the address. The investigator sent § 87(2)(b) two please call letters at each of the possible addresses. One of the letters to the address that § 87(2)(b) provided was returned to the sender as undeliverable. None of the additional letters was returned. To date, § 87(2)(b) has not contacted the investigator.

Both § 87(2)(b) and § 87(2)(b) made allegations on behalf of § 87(2)(b) whom they identified as § 87(2)(b) and who was allegedly the boyfriend of § 87(2)(b). Neither of them, however, could provide § 87(2)(b) full name or any contact information for him. The stop and frisk log does not list any reports for any individuals with the first or last name § 87(2)(b) that were made by any the officers involved in this incident. As stated above, the CCRB was unable to obtain a statement from § 87(2)(b) who would have been able to definitively identify § 87(2)(b). As a result, the CCRB was unable to identify and obtain a statement from § 87(2)(b) § 87(2)(g).

Canvass of Incident Location

On July 27, 2007, the investigator conducted a canvass of the incident location. The investigator first stopped at a newsstand at the intersection of West 112th Street and Lenox Avenue, which is a block away from the incident. The investigator spoke with § 87(2)(b) who provided a verified statement which is summarized above. The investigator then stopped at Altagracia Grocery Store at 40 St. Nicholas Avenue, which is at the intersection of West 112th Street and St. Nicholas Avenue. The investigator spoke with § 87(2)(b) who stated that while on the incident date he noticed police dealing with the passengers of a car that was stopped in front of his store, he was not in a position where he could see exactly what was going on and could not attest to any of the officers' actions with respects to any of the passengers or the actual car itself. The investigator then stopped at Lourdes and Santos Beauty Salon at 44 St. Nicholas Avenue. The investigator spoke with the manager and several employees who stated that while they were working on that date, they did not recall the incident in question. The investigator then stopped at Adja Khady Hair Braiding at 42 St. Nicholas Avenue. The investigator spoke with several employees and customers who stated that they did not witness this incident. As the investigator walked down St. Nicholas Avenue, she encountered several individuals who noted that they heard stories about the incident but did not witness it.

Identification of Interviewed Officers

When § 87(2)(b) filed this complaint, she identified Officer Armond and Officer Pardo by their names and shield numbers and specifically made allegations against them. The 28th Precinct roll call showed that Officer Armond and Officer Pardo were part of a SNEU team that was also comprised of Officer Valerio, Officer Carrasco, and Officer Feaggins. Several of the aforementioned officers noted that Sergeant Rodriguez was their supervisor on the date of the incident and the roll call confirms that he was.

Subject Officer Statement: Officer Robin Armond

On January 3, 2008, Officer Robin Armond appeared at the CCRB for an interview (enc. 16A-B). Officer Armond is a § 87(2)(b)-old Black female who is 5'2" tall, and weighs 145 pounds. Officer Armond has black hair and brown eyes.

On May 22, 2007, Officer Armond worked a daytime tour, which began at approximately 9:05AM, and ended at approximately 5:40AM. Officer Armond was assigned to the 28th Precinct SNEU team, and was dressed in uniform. Officer Armond did not recall the other members of the SNEU team on that date. Officer Armond was assigned to a motor vehicle, but did not recall whether it was marked or unmarked. Officer Armond did, however, believe that she was assigned to a sedan. Officer Armond alleged that she misplaced her memo book but noted that she did not have any memo book entries related to this incident.

At approximately 1:15PM, Officer Armond and her team were in the middle of a SNEU set during which the observation sergeant would observe the area, and tell the rest of the team to stop a vehicle or § 87(2)(b) that he observed participating in suspicious behavior. At the aforementioned time, the SNEU team received a radio call during which the observation sergeant, Sergeant Rodriguez, provided a description of a vehicle, identified through the investigation as § 87(2)(b) vehicle, as well as the number of occupants in the vehicle and a description of those occupants. Sergeant Rodriguez told the team to stop § 87(2)(b) vehicle. Officer Armond believed that Sergeant Rodriguez provided a reason for stopping the vehicle, but Officer Armond did not recall what that reason was. Officer Armond noted, however, that they probably stopped § 87(2)(b) vehicle because one or more of the occupants was observed participating in a drug related transaction. Officer Armond did not recall the descriptions that Sergeant Rodriguez provided, but noted that § 87(2)(b) vehicle was the only vehicle in the area that fit all of the descriptions provided by Sergeant Rodriguez.

Officer Armond and the rest of the SNEU team observed § 87(2)(b) vehicle for approximately one minute prior to stopping it, but at no time did Officer Armond notice anything suspicious about the vehicle or its occupants. Officer Armond did not recall if the team used lights and/or sirens to stop § 87(2)(b) vehicle or if they used the public address system to do so.

After they stopped § 87(2)(b) vehicle, the team exited their vehicles and approached it. Officer Armond approached the driver's side and spoke with the driver, identified by the CCRB as § 87(2)(b) who was cooperative, compliant, and provided her license and relevant paperwork when asked to do so. Officer Armond explained to § 87(2)(b) the reason for the stop but did not speak with any of the additional occupants of the vehicle. Officer Armond frisked § 87(2)(b) and noted that while she did not necessarily fear for her safety, the occupants of the vehicle were suspected of some sort of drug activity and for safety purposes she wanted to establish that § 87(2)(b) did not have any type of weapons on her person. Officer Armond noted that she did not search § 87(2)(b) pockets.

The other members of the SNEU team were dealing with the other passengers of the vehicle, but Officer Armond did not know what transpired during those interactions. Officer Armond did not observe any of the other officers frisking any of the other occupants of the vehicle, but believed that they did so because it is the procedure of their SNEU team to do so in car stops. Officer Armond did not observe any of the officers search any of the occupants of the vehicle. Officer Armond did not search the vehicle and did not witness any other officer doing so. Officer Armond did not witness any interactions that may have occurred between Officer Pardo and the child, identified by the CCRB as § 87(2)(b). At no point during the incident did Officer Armond speak directly with Sergeant Rodriguez and she did not know if any other officers did so.

Subject Officer Statement: Officer Gabriella Pardo

On November 15, 2007, Officer Gabriella Pardo appeared for an interview at the CCRB (enc. 19A-B). Officer Pardo is a § 87(2)(b)-old Hispanic female with brown hair and brown eyes, who is 5'3" tall, and weighs 125 pounds.

On May 22, 2007, Officer Pardo worked a tour that began at 9:00AM, and ended at 5:35PM. Officer Pardo was in uniform, and worked SNEU detail. She and her partners, Officer Valerio and Officer Feaggins, were assigned to the SNEU team's catch car, which was a marked police van. The SNEU team was also utilizing an unmarked cab. Officer Pardo had two entries in her memo book regarding the incident in question. On her fly page, Officer Pardo wrote § 87(2)(b) UF250 by PO Valerio stated occupants were looking to buy but unsuccessful. Father of child" (enc. 17C). The second entry stated that the SNEU team stopped a vehicle at West 112th Street and St. Nicholas Avenue, Officer Pardo prepared a UF250 for S. § 87(2)(b) and she searched the child in the car as per Sergeant Rodriguez's instructions (enc. 17A-B). The UF250 for § 87(2)(b) states that § 87(2)(b) was stopped because she appeared to be involved in a drug transaction and that § 87(2)(b) was frisked for weapons (enc. 18).

Shortly after 1:00PM, Sergeant Rodriguez, who was assigned to the observation post, contacted the SNEU team via radio and ordered them to stop a green station wagon, identified by the CCRB as § 87(2)(b) vehicle, and to search all of the occupants of the vehicle. Sergeant Rodriguez allegedly witnessed the occupants of the vehicle engaged in a drug transaction, but Officer Pardo did not recall if Sergeant Rodriguez stated what exactly he observed. Sergeant Rodriguez provided a description of the vehicle, the number of occupants in the vehicle (noting that there was a small child, identified by the CCRB as § 87(2)(b)) and descriptions of all of the individuals inside of § 87(2)(b) vehicle. Officer Pardo believed that Sergeant Rodriguez also provided the license plate number, but noted that she did not write it down. Officer Pardo did not recall the number of people in the vehicle and did not recall any of the descriptions that Sergeant Rodriguez provided.

To stop the vehicle, Officer Pardo engaged the lights and used the public address system to direct § 87(2)(b) to pull over. The officers in the SNEU cab, identified by the CCRB as Officer Armond and Officer Carrasco, assisted in the stop. The officers approached § 87(2)(b) vehicle and ordered everyone to exit the car. § 87(2)(b) and the adult passengers, identified by the CCRB as § 87(2)(b) and § 87(2)(b) exited the vehicle. Officer Pardo did not recall, however, when and under what circumstances, § 87(2)(b) left the vehicle. Officer Pardo did not recall which officer spoke with which individual nor did she recall where everyone was sitting inside of § 87(2)(b) vehicle.

Officer Pardo spoke with one or two of the occupants of the vehicle, but did not recall with whom she spoke. At some point, Officer Pardo heard § 87(2)(b) state that they were looking to buy drugs but they did not do so. § 87(2)(b) made this statement to the officer with whom he interacted, identified by

the CCRB as Officer Billy Valerio. Officer Pardo frisked § 87(2)(b) because the occupants of the vehicle were suspected of drug activity and to ensure that they did not have any weapons on them. Officer Pardo frisked § 87(2)(b) but did not recall if she searched her. When asked what she was referring to when she wrote in her memo book that she searched § 87(2)(b) Officer Pardo still was unable to state if she searched § 87(2)(b) because she does not differentiate between a frisk and a search when she documents it in her memo book. Officer Pardo, however, did assert that she knows the difference between a frisk and a search.

Officer Pardo could not attest to the nature of the interactions that occurred between the other members of her team and the additional occupants of the vehicle but noted that the officers did not find weapons or drugs on any of the individuals. They prepared stop and frisk reports for everyone who was in the vehicle. Officer Pardo, however, did not recall which officers completed which reports. Officer Pardo noted that she completed a stop and frisk report for § 87(2)(b).

According to Officer Pardo, SNEU protocol states that when one individual inside of a vehicle is suspected of engaging in drug related activity all of the additional persons in the vehicle are subject to search. Based on the circumstances of the stop, the vehicle is also subject to search. In this case, however, Officer Pardo noted that she did not search the vehicle and did not witness any other officer do so.

Subject Officer Statement: Officer Billy Valerio

Officer Billy Valerio was interviewed at the CCRB on September 24, 2007 (enc. 21A-B). Officer Valerio is a § 87(2)(b)-old Hispanic male, who is 5'11" tall, and weighs 190 pounds. Officer Valerio has black hair and brown eyes.

On May 22, 2007, Officer Valerio worked a tour that began at 9:00AM and ended at 5:35PM. Officer Valerio was dressed in uniform, and was assigned to an RMP, but did not recall if it was marked or unmarked. Officer Valerio was assigned to an apprehension team with the SNEU unit, and could not recall the names of all of the individuals with whom he worked. Officer Valerio did note, however, that Officer Joseph Carrasco and Officer Gabriela Pardo were also assigned to the SNEU apprehension team. Officer Valerio had one entry in his memo book that is relevant to this incident, which stated that there was a car stop at West 112th Street and St. Nicholas Avenue that included four adults and one child and no arrests were made (enc. 20).

At approximately 1:10PM, Officer Valerio received a radio call from Sergeant Rodriguez at the SNEU observation post, which provided a description of a vehicle, identified by the CCRB to be § 87(2)(b) vehicle, and stated that § 87(2)(b) inside of the vehicle had been engaged in a drug transaction. Officer Valerio did not recall the description of the vehicle, but noted that § 87(2)(b) vehicle was the only one in the area that fit that description. Officer Valerio did not witness any sale or transaction between the civilians and did not observe the civilians prior to stopping the vehicle.

After the stop, the officers approached § 87(2)(b) vehicle. Initially Officer Valerio stated that the officers instructed all of the occupants to exit their vehicle. As the interview progressed, however, Officer Valerio stated that the child, identified as § 87(2)(b) remained inside of the vehicle. Officer Valerio spoke with a male individual, identified by the CCRB as § 87(2)(b) and told him that they stopped the vehicle because they were in a drug prone lone location. Officer Valerio noted that § 87(2)(b) was cooperative, but did not note that § 87(2)(b) stated that he and the other passengers of the vehicle were going to purchase drugs but did not do so. Officer Valerio frisked § 87(2)(b) to ensure that he did not have any weapons or other items that he could use to harm the officers or himself. At the beginning of his statement, Officer Valerio stated that the officers searched all of the passengers. As the interview progressed, however, Officer Valerio asserted that he did not search § 87(2)(b) or any other occupant(s) of the vehicle. Officer Valerio also did not frisk any additional occupant(s) of the vehicle.

Officer Valerio believed that the officers may have searched § 87(2)(b) vehicle, but did not know when that would have occurred or which members of the team would have done so. Officer Valerio noted that he focused his attention on § 87(2)(b) and could not attest to what actions were taken with respect to § 87(2)(b) vehicle. Initially, Officer Valerio did not recall any interactions that may have occurred between the other members of his team and the other occupants of the vehicle. As the interview progressed, however, Officer Valerio stated that at some point, § 87(2)(b) exited the vehicle. When § 87(2)(b) exited the vehicle, Officer Pardo frisked her. Officer Valerio did not know if Officer Pardo searched § 87(2)(b).

Subject Officer Statement: Joseph Carrasco

Officer Joseph Carrasco was interviewed at the CCRB on September 12, 2007 (enc. 23A-B). Officer Carrasco is a § 87(2)(b)-old Hispanic male, who is 5'10" tall, and weighs 210 pounds. Officer Carrasco has black hair and brown eyes.

On May 22, 2007, Officer Carrasco worked a tour that began at 9:00AM and ended at 5:35PM. Officer Carrasco was in uniform, and was assigned to the SNEU team. Officer Carrasco was assigned to a blue, unmarked Crown Victoria. Officer Carrasco did not have any entries in his memo book regarding this incident (enc. 22).

At approximately 1:15PM, Sergeant Rodriguez directed the SNEU team to apprehend § 87(2)(b) who had gotten into a green station wagon, identified by the CCRB as belonging to § 87(2)(b). Sergeant Rodriguez provided a description of the individual whom the team was to apprehend, but Officer Carrasco did not recall the description. Officer Carrasco could only note that the individual was female. Sergeant Rodriguez informed the team that the female individual had engaged in a hand to hand transaction that was seemingly related to drugs. Officer Carrasco did not witness the alleged transaction and Sergeant Rodriguez did not provide any additional details. § 87(2)(b) vehicle was the only one in the area that fit the description provided by Sergeant Rodriguez.

The SNEU team used their lights and sirens to stop § 87(2)(b) vehicle. Upon stopping the vehicle, the officers approached simultaneously. An officer ordered everyone to exit the vehicle and the occupants all complied. There was a child in the vehicle, identified as § 87(2)(b) who also exited the vehicle at this time.

Officer Carrasco only interacted with the male individual who was sitting in the right rear passenger side of the vehicle, identified by the CCRB as § 87(2)(b). Officer Carrasco frisked § 87(2)(b) to make sure that he did not have any weapons on him that he could use to harm himself or any of the other officers at the scene. Officer Carrasco did not search § 87(2)(b) or have any additional interactions with him. Officer Carrasco did not know if any of the other members of his team frisked or searched any of the other occupants of the vehicle. Officer Carrasco did not interact with any of the other occupants of the vehicle. Officer Carrasco did not witness any interactions between any of the officers on his team and § 87(2)(b). Officer Carrasco did not search the vehicle and did not witness any other officer doing so. Officer Carrasco did not think that narcotics were observed inside of the vehicle or found on anyone's person because the team released the occupants of the vehicle without issuing them summonses or arresting them.

Officer Carrasco concluded his statement by noting the general SNEU protocol involving car stops for suspicion of drug activity. If § 87(2)(b) is suspected of drug activity and gets into a vehicle where others are present, it is possible that whatever drugs that individual obtained were passed off to another individual in the vehicle. When these situations occur, it is procedure to order all individuals out of the vehicle. When they do so, they are to frisk the individuals to make sure that they do not have any weapons on them. The officers are not to search for drugs. They will, however, conduct a search of person if the drugs are in plain view, i.e. they are in the individual's hand or can be seen inside of the vehicle. The officers do not search the vehicle unless the drugs are in plain sight.

Subject Officer Statement: Officer Leander Feaggins

Officer Leander Feaggins was interviewed at the CCRB on September 7, 2007 (enc. 25A-B). Officer Feaggins is a § 87(2)(b)-old Black male who is 5'11" tall, and weighs 200 pounds. Officer Feaggins has black hair and brown eyes.

On May 22, 2007, Officer Feaggins worked a tour that began at 9:00AM and ended at 5:35PM. Officer Feaggins was dressed in uniform, and was assigned to RMP number § 87(2)(b) with Officer Gabriela Pardo and Officer Billy Valerio. They were assigned to an apprehension team that was part of the SNEU unit. Officer Feaggins had one entry in his memo book that is relevant to this incident, which states that there was a car stop at the corner of West 112th Street and St. Nicholas Avenue as per the direction of Sergeant Rodriguez (enc. 24).

At approximately 1:10PM, Sergeant Rodriguez ordered the SNEU team to stop a green station wagon, identified as belonging to § 87(2)(b). Officer Feaggins did not witness any of the civilians in the vehicle engaged in any type of activity, but believed that Sergeant Rodriguez directed them to stop the vehicle because he observed at least one of the occupants engaged in some sort of drug related transaction. Officer Feaggins, however, did not know what exactly Sergeant Rodriguez observed. Sergeant Rodriguez was not in the van with the officers, but he was making observations from an unknown position that was in the area. § 87(2)(b) vehicle was the only one in the area that fit the description provided by Sergeant Rodriguez.

Aside from the aforementioned, Officer Feaggins did not recall the specific details of the car stop in question. Officer Feaggins did not recall if he frisked or searched any of the individuals in the vehicle. Officer Feaggins did not recall any interactions between the occupants of the vehicle and the other members of his SNEU team. The investigator showed Officer Feaggins pictures of § 87(2)(b) and § 87(2)(b) but Officer Feaggins did not recognize any of them and could not say what, if any, interactions they may have had with members of the SNEU team.

Subject Officer Statement: Sergeant Flavio Rodriguez

On January 15, 2008, Sergeant Flavio Rodriguez was interviewed at the CCRB (enc. 27A-B). Sergeant Rodriguez is a § 87(2)(b)-old Hispanic male who is 5'6" tall and weighs 170 pounds. Sergeant Rodriguez has a bald head and brown eyes.

On May 22, 2007, Sergeant Rodriguez worked a tour that began at 9:00AM and ended at 5:57PM. Sergeant Rodriguez was the SNEU supervisor and worked with a team of six additional officers. Sergeant Rodriguez was dressed in uniform and assigned to a motor vehicle, but did not recall which vehicle he was assigned to. Sergeant Rodriguez did not have any entries in his memo book regarding this incident (enc. 26A-B).

Sergeant Rodriguez did not have any independent recollection of the incident. He noted, however, that on the date of the incident the SNEU team conducted set ups at drug prone locations to try and apprehend persons who were involved in drug related transactions. As part of the set, an observation post would be set up in the area. When the officer(s) assigned to the observation post observes a drug transaction, they would radio the description and direction of flight to the apprehension team. Sergeant Rodriguez did not recall if he was assigned to the apprehension post on the date in question and noted that he generally does not make entries in his memo book regarding which member(s) of the team are assigned to what duties.

Once the apprehension team receives a transmission, the officers stop the individual(s) based on the description provided by the observation post. If the observation post observes a person conduct an interaction on foot and that person then enters the vehicle, they will stop the vehicle. Once the vehicle is stopped, the apprehension team will order the individual out of the car and they would search the area in which the person was observed placing the drugs. Sergeant Rodriguez noted that if there is more than one occupant of the vehicle, the officers can order every one out of the vehicle for safety purposes because in his experience as a police officer, he is aware of the correlation between guns and drugs. The officers can then frisk for weapons. If a child is involved, the officer who made the observation would have to articulate that they observed someone hand or hide the drugs and/or the contraband on the child before a frisk and search can occur. Sergeant Rodriguez added that in his experience, he has found that parents often pass their drugs off to their kids or hide it in their strollers because they do not think that the officers will look there. If there are narcotics in plain view inside of the vehicle, the officers are allowed to search the vehicle. However, they are only allowed to search the area in which the drugs are located.

Sergeant Rodriguez did not recall ordering the SNEU team to stop any vehicle that had four adults and one child. The investigator showed Sergeant Rodriguez photos of § 87(2)(b) and § 87(2)(b) but he did not recognize any of them. Sergeant Rodriguez did not have any recollection of the date in question and did not recall ordering any member of his team to frisk and/or search a child.

Police Department Documents

The SPRINT index shows that there were no SPRINTS generated in relation to this incident (enc. 28). The stop and frisk log shows that there was a stop and frisk report created for § 87(2)(b) but not for anyone else in the vehicle (enc. 29). The roll call shows that Officer Armond, Officer Pardo, Officer Valerio, Officer Carrasco, and Officer Feaggins were all assigned to SNEU detail (enc. 30A-L).

Subject Officer CCRB History

The CCRB has not substantiated any allegations against Officer Armond in her fifteen years of service to the NYPD (enc. 1). The CCRB has not substantiated any allegations against Officer Pardo in her six years of service to the NYPD (enc. 2). The CCRB has not substantiated any allegations against Officer Valerio in his six years of service to the NYPD (enc. 3). The CCRB has not substantiated any allegations against Sergeant Rodriguez in his nine years of service to the NYPD (enc. 4).

Civilian CCRB History

This is the first and only CCRB complaint for § 87(2)(b) and § 87(2)(b) § 87(2)(b) (enc. 5, 6, and 7).

Civilian Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
§ 87(2)(b)
§ 87(2)(b)

Conclusions and Recommendations

Officer Identification

When § 87(2)(b) filed this complaint, she identified Officer Armond and Officer Pardo by their names and shield numbers. The 28th Precinct Roll Call showed that Officer Armond and Officer Pardo were part of a SNEU team that was also comprised of Officer Valerio, Officer Carrasco, and Officer Feaggins. During their statements, several of the officers stated that they stopped § 87(2)(b) vehicle because Sergeant Rodriguez authorized them to do so. § 87(2)(g)

§ 87(2)(b) specifically stated that Officer Armond frisked her and that Officer Pardo frisked § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) stated that Officer Valerio frisked § 87(2)(b). § 87(2)(b) also alleged that Officer Carrasco frisked § 87(2)(b). § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) also alleged that Officer Armond searched her and that Officer Pardo searched § 87(2)(b). § 87(2)(g) § 87(2)(b) alleged that Officer Valerio searched him § 87(2)(g). § 87(2)(b) also alleged that Officer Carrasco and Officer Feaggins searched § 87(2)(b). § 87(2)(b) however, did not make any search allegations against Officer Feaggins on behalf of § 87(2)(b). § 87(2)(b) did allege that Officer Carrasco searched § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) however, noted that they could not attest to the details of the interactions that occurred between the other occupants of the vehicle and the officers with whom they interacted. § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(b) and § 87(2)(b) also alleged that Officer Pardo searched § 87(2)(b). Officer Pardo noted that upon directing them to stop § 87(2)(b) vehicle, Sergeant Rodriguez also told them to search everyone inside of the vehicle, which she believed to include the child. Additionally, Officer Pardo noted in her memo book that she was ordered to do so by Sergeant Rodriguez. Though Officer Pardo was the only officer who said that Sergeant Rodriguez specifically authorizes the search of the occupants, the other officers corroborated that Sergeant Rodriguez's order to stop the vehicle was because one or more of the occupants engaged in a drug transaction. § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Lastly, § 87(2)(b) alleged that Officer Armond searched her vehicle. § 87(2)(b) stated that Officer Pardo also participated in the vehicle search. § 87(2)(g)
§ 87(2)(b)

Undisputed Facts

On May 22, 2007, officers from the 28th Precinct's SNEU team stopped § 87(2)(b) vehicle at the intersection of West 112th Street and St. Nicholas Avenue in Manhattan. All of the occupants of § 87(2)(b) vehicle were ordered to exit. Officer Armond frisked § 87(2)(b). Officer Valerio frisked § 87(2)(b) and Officer Pardo frisked § 87(2)(b). The officers ultimately let § 87(2)(b) and her passengers leave the scene without issuing them summonses or placing them under arrest.

Disputed Facts

The interviewed officers asserted that Sergeant Rodriguez ordered them to stop § 87(2)(b) vehicle but Sergeant Rodriguez did not recall the incident, § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Assessment of Evidence

The civilians and the interviewed officers (with the exception of Sergeant Rodriguez) all agree that the officers stopped § 87(2)(b) vehicle. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) The interviewed officers stated that Sergeant Rodriguez, the SNEU supervisor, went over the radio and provided them with a description of § 87(2)(b)'s vehicle as well as the number of occupants in that vehicle. Moreover, as per Officer Pardo and Officer Carrasco, Sergeant Rodriguez provided the description of at least one individual who was inside of the vehicle. All of the officers asserted that § 87(2)(b) vehicle was the only one in the area that fit the description provided by Sergeant Rodriguez.

Sergeant Rodriguez also allegedly informed the team that a drug transaction had occurred and that the transaction involved at least one individual who was inside of the vehicle. As per the officers, Sergeant Rodriguez did not provide specific details as to which individual(s) were actually involved in the alleged transaction. Moreover, none of the officers could state whether Sergeant Rodriguez provided them with any further details about the alleged drug transaction and if he did what those details were. Conversely, Sergeant Rodriguez had no recollection of the incident in question. As a result, he was unable to provide any further details about what actually occurred during the drug transaction that he allegedly observed and the person(s) who were involved in that transaction. Moreover, Sergeant Rodriguez could not articulate a reason for authorizing the stop of § 87(2)(b) vehicle. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

It is agreed that Officer Armond frisked § 87(2)(b) Officer Valerio frisked § 87(2)(b) Officer Pardo frisked § 87(2)(b) and Officer Carrasco frisked § 87(2)(b) All of the officers noted that they stopped § 87(2)(b) vehicle because Sergeant Rodriguez informed them that he observed one or more of the civilians engaged in a drug transaction. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) also alleged that Officer Armond searched her. § 87(2)(b) alleged that Officer Valerio also searched him. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g) Officer Armond denied searching § 87(2)(b) and Officer Valerio denied searching § 87(2)(b). None of the additional officers could attest to any of the interactions that Officer Armond and Officer Valerio had with § 87(2)(b) and § 87(2)(b) respectively. § 87(2)(g)

§ 87(2)(b) alleged that Officer Pardo searched § 87(2)(b). Both § 87(2)(b) and § 87(2)(b) alleged that officers searched § 87(2)(b). Officer Pardo noted that she frisked § 87(2)(b) for safety purposes but did not search her an assertion that is supported by the stop and frisk report that she filed in which she noted that § 87(2)(b) was stopped because of her possible participation in a drug transaction and that she frisked § 87(2)(b) for safety purposes as she may have been concealing a weapon. None of the interviewed officers conceded to searching § 87(2)(b). As stated in the attempts to locate and identify additional victims section, however, the CCRB was unable to obtain a statement from § 87(2)(b) who in turn, would have been able to definitively identify § 87(2)(b). § 87(2)(g)

§ 87(2)(b) also alleged that Officer Armond searched her vehicle and was the only officer who did so. § 87(2)(b) however, alleged that both Officer Armond and Officer Pardo searched the vehicle. § 87(2)(b) alleged that officers searched the vehicle, but could not recall which officers did so. Officer Armond denied searching § 87(2)(b) vehicle and while Officer Pardo noted that there are situations where a vehicle stop for a suspected drug transaction would result in a vehicle search, this was not one of those instances and she did not search § 87(2)(b) vehicle. Officer Feaggins had no recollection of this particular incident and Officer Carrasco did not observe any officer(s) searching § 87(2)(b) vehicle. Officer Valerio was not certain as to whether Officer Armond and/or Officer Pardo searched the vehicle and if they did search the vehicle, he did not know when during the incident they would have been able to do so. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) alleged that Officer Pardo searched § 87(2)(b). Officer Pardo had an entry in her memo book which stated that she searched § 87(2)(b) as per the instructions of Sergeant Rodriguez. During her statement, Officer Pardo also asserted that when Sergeant Rodriguez ordered the SNEU team to stop § 87(2)(b) vehicle, he also ordered them to search all of the occupants. Officer Pardo stated that she frisked § 87(2)(b) but did not recall if she actually searched § 87(2)(b). Officer Pardo noted that she knew the difference between a frisk and a search, but generally does not distinguish between the two, especially when she notes them in her memo book. Officer Valerio confirmed Officer Pardo's assertion that she frisked § 87(2)(b) but Officer Valerio did not know if Officer Pardo searched § 87(2)(b). None of the additional officers could attest to any of the interactions that may have happened between Officer Pardo and § 87(2)(b). Moreover, while several of the officers were able to articulate their understanding of the standard SNEU procedure when dealing with an incident of this nature, none of the additional officers noted that they received specific instructions from Sergeant Rodriguez regarding what actions they were to take with respect to any of the passengers of this particular vehicle. As noted during the discussion regarding the stop of § 87(2)(b) vehicle, Sergeant Rodriguez was unable to recall any of the details about this incident. § 87(2)(g)

Allegations Not Pleaded

§ 87(2)(g)

Allegation A) Sergeant Flavio Rodriguez authorized the stop of the car in which § 87(2)(b) was an occupant.

The civilians and the officers all agree that the members of the SNEU team stopped § 87(2)(b) vehicle. As per the officers, however, they were ordered to do so by their supervisor, Sergeant Rodriguez.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation B) Officers frisked § 87(2)(b) and § 87(2)(b)

Officer Armond frisked § 87(2)(b) Officer Valerio frisked § 87(2)(b) Officer Pardo frisked § 87(2)(b) and Officer Carrasco frisked § 87(2)(b) (referred to throughout the report as § 87(2)(b) All of the officers noted that they stopped § 87(2)(b) vehicle because Sergeant Rodriguez informed them that he observed one or more of the civilians engaged in a drug transaction. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Additionally, the officers noted the dangers of car stops and the correlation of drugs and weapons and frisked the occupants for safety purposes in order to ensure that the civilians did not have weapons on them. § 87(2)(g)

Allegation C) Officer Robin Armond searched § 87(2)(b)

Allegation D) Officer Billy Valerio searched § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that they were searched by Officer Armond and Officer Valerio respectively. Both Officer Armond and Officer Valerio denied searching any civilians during this incident. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation E) Officer Gabriella Pardo searched § 87(2)(b)

§ 87(2)(b) made a search allegation against Officer Pardo on behalf of § 87(2)(b) and while § 87(2)(b) noted that she did not have a phone number for § 87(2)(b) she provided a possible address at which § 87(2)(b) could receive mail. Searches of whitepages.com, the COLES directory, and LexisNexis were negative for § 87(2)(b) at this address. Officer Pardo completed a stop and frisk report and on that report was another possible address for § 87(2)(b) Searches of whitepages.com, the COLES directory, and LexisNexis showed that while there were individuals with the last name listed as living in that apartment, § 87(2)(b) was not one of them. Moreover, there were no phone numbers linked to the address. The investigator sent § 87(2)(b) two please call letters at each of the possible addresses. One of the letters to the address that § 87(2)(b) provided was returned to the sender as undeliverable. None of the additional letters was returned. To date, § 87(2)(b) has not contacted the investigator. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation F) Officers searched § 87(2)(b)

Both § 87(2)(b) and § 87(2)(b) made search allegations on behalf of § 87(2)(b) whom they identified as § 87(2)(b) and who was allegedly the boyfriend of § 87(2)(b) Neither of them, however, could provide § 87(2)(b) full name or any contact information for him. The stop and frisk log does not list any reports for any individuals with the first or last name § 87(2)(b) that were made by any the officers involved in this incident. As stated above, the CCRB was unable to obtain a statement from § 87(2)(b) who would have been able to definitively identify § 87(2)(b) § 87(2)(g)

§ 87(2)(g)

Allegation G) Officer Robin Armond searched the vehicle in which § 87(2)(b) was an occupant.
Allegation H) Officer Gabriella Pardo searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) alleged that Officer Armond searched her vehicle and § 87(2)(b) alleged that both Officer Armond and Officer Pardo searched the vehicle. § 87(2)(b) stated that officers searched the vehicle, but could not state which officers did so. § 87(2)(g)

Allegation I) Sergeant Flavio Rodriguez authorized the search of § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) alleged that Officer Pardo searched § 87(2)(b). Officer Pardo did not recall if she searched § 87(2)(b) but noted in both her memo book and her CCRB statement that she was authorized to do so by the SNEU supervisor, Sergeant Rodriguez. Sergeant Rodriguez, however, had no recollection of the incident and the details surrounding the alleged drug transaction that precipitated it. § 87(2)(g)

Moreover, Sergeant Rodriguez could not recall if he ordered Officer Pardo to search § 87(2)(b) and if he did so, what his reasoning for doing so would have been. § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: